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2. POSSESSION OF LAND BY WIDOW BEFORE ASSIGNMENT OF DOWER. *Interest in land.* The interest of a widow in the real estate of her deceased husband, before assignment of dower, is an interest for which she may maintain an action of ejectment, or an action of unlawful detainer, and possession taken or continued by her, as widow, is in privity with the heirs or devisees of her husband.

3. ADVERSARY POSSESSION—*Privity with opposing claimant.* In questions of adverse possession a higher degree of proof is required where the possession was begun in privity with the opposing claimant than where no such relation existed. Where the possession was originally in privity with the adverse claimant there must be a clear, positive and continuous disclaimer and disavowal of the title, and the assertion of an adverse right brought home to the adverse claimant. The possession must become tortious and unlawful by the disloyal acts of the party in possession so open, notorious and continued as to show fully and clearly the changed character of his possession and knowledge thereof to the adverse claimant. Exclusive possession, receipt of profits, payment of taxes, making repairs and getting fire-wood are not of themselves sufficient proof of an adverse holding.

4. ADVERSARY POSSESSION—*Privies—accepting and recording deed from one who has no title—notice.* Where one is in possession of land in privity with another, the taking and recording by the party in possession of a deed to the land from one who has no title, does not affect the rights of the other party until he has actual notice thereof. No one is required to watch the clerk's office to guard against the acquisition of such rights.

DAVIS & SNAPP V. POLAND.—Decided at Richmond, November 14, 1895.—*Riely, J.*

1. PARTNERSHIP—*Dissolution—admissions of one partner—new liability.* After dissolution of a partnership, one partner cannot, by his sole act, bind his copartner against his consent, so as to impose a new liability, or to revive one barred by the statute of limitations. Nor can his declarations or admissions be received as the only evidence of the existence of a debt, against the partnership. But if there is other evidence of the existence of the debt, or it is admitted by the pleadings, such declarations or admissions, though made after dissolution, may be received in evidence, provided they relate to transactions of the partnership whilst in existence, and do not impose any fresh liability.

2. ACTION ON NEGOTIABLE NOTE—*Production of note—record in Appellate Court.* In an action on a negotiable note, the note is a necessary part of the plaintiff's evidence, and there can be no judgment for the plaintiff without the production of the note. If judgment be rendered for the plaintiff and a writ of error awarded to that judgment, the record certified to the appellate court can alone be looked to to ascertain what evidence was introduced in the trial court, and if this record fails to disclose the fact that the note was offered in evidence in the trial court the judgment will be reversed. The appellate court will not presume what the record fails to disclose.